REMARKS

Favorable reconsideration of this application, in view of the present amendments and in light of the following discussion, is respectfully requested.

Claims 1-12 are pending. Claims 1-12 are amended. No new matter is introduced.

In the outstanding Office Action, Claims 1-7, 9, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu (U.S. Patent No. 6,687,901, hereafter "Imamatsu") in view of Winters (U.S. Patent No. 7,100,011, hereafter "Winters"); Claims 8 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu and Winters in further view of Shaw (U.S. Patent No. 6,381,741, hereafter "Shaw"); and Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Imamatsu and Winters in further view of Peng (U.S. Patent No. 6,959,436, hereafter "Peng").

In reply to the rejection of Claims 1-7, 9, and 10 as being unpatentable over Imamatsu in view of Winters, Claim 1 is amended to recite, *inter alia*, a communication terminal including a rewritable non-volatile memory and a rewritable volatile memory, the communication terminal also including:

> means for limiting operation of software which uses the rewritable volatile memory and *allocating* an area required for storing an update file in the rewritable volatile memory before receiving the update file from a software management server . . . (emphasis added).

Turning to the applied references, Imamatsu describes a method for updating software in a radio terminal device (200) of a mobile communication system that also includes a base station (400) and a software-supply device (100) connected to the base station (400) through a network (300).[1] Imamatsu also describes that the radio terminal device (200) includes a CPU (201), a radio communication unit (205), a main memory (202), and a buffer memory

[1] Imamatsu at column 3, lines 13-34; see also Figure 2.

(206) that is *different* from main memory (202).[2] Further, Imamatsu illustrates a memory map of the main memory (23) that is partitioned into ROM (32), FLASH ROM (33), and battery backup RAM (34).[3] Imamatsu also describes that the download buffer (44) of Figure 4A temporarily stores a newly downloaded control-software from the software-supply device (50).[4]

However, Imamatsu does not describe allocating an area required for storing an update file in the rewritable volatile memory, as recited in amended Claim 1. Instead, Imamatsu describes that the size of the download buffer (44) is designed to be larger than the size of the largest possible software module to be written in it,[5] but no more than half the size of the control-software (43) in order to control the capacity of the flash ROM (33) in an attempt to miniaturize the size and to minimize the cost of the mobile terminal device (10).[6] For example, in the embodiment that Imamatsu illustrates in Figure 3, the download buffer (44) is chosen to be 1 MB.[7] Thus, Imamatsu only describes a fixed-size download buffer (44) whose capacity is fixed at the time that the FLASH ROM (33) is specified. Nothing, however, in Imamatsu describes *allocating* an area in ROM (32), FLASH ROM (33) or RAM (34) because in Imamatsu a *permanent* download buffer (44) whose only use is storing software updates is provided. Therefore, Imamatsu does not disclose allocating an area required for storing an update file in the rewritable volatile memory, as recited in amended Claim 1.

Further, Winters only describes storing application code received by a cable modem (50) in RAM (54).[8] However, nothing in Winters describes allocating an area in RAM (54),

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[2] Imamatsu at column 3, lines 56-67; see also Figure 2.
[3] See Figure 4A of Imamatsu.
[4] Imamatsu at column 6, lines 60-65; see also Figure 3.
[5] Imamatsu at column 7, lines 5-20.
[6] Id.; see also Figure 3.
[7] Imamatsu at column 7, lines 5-20; see also Figure 3.
[8] Winters at column 6, lines 33-35; see also Figure 3.

and therefore Winters does not cure the above-noted deficiency in Imamatsu. Thus, no combination of Imamatsu and Winters describes every feature recited in amended Claim 1, and it is submitted that amended Claim 1, together with its corresponding dependent claims, is in condition for allowance.

Moreover, amended Claims 9 and 10 recite features substantially similar to those recited in amended Claim 1, and are therefore in condition for allowance, together with their corresponding dependent claims, for substantially the same reasons. Accordingly, it is respectfully requested that the rejection of Claims 1-7, 9, and 10 under 35 U.S.C. § 103(a) be withdrawn.

As all other rejections of record rely upon Imamatsu for describing the above-distinguished features, and the above-distinguished features are not disclosed or suggested by Imamatsu, and are not disclosed or suggested alone or in combination with any other art of record, Applicants respectfully submit that a *prima facie* case of obviousness has not been presented with respect to Claims 8, 11, and 12. Accordingly, Applicants respectfully request that the rejection of Claims 8, 11, and 12 under 35 U.S.C. § 103(a) be withdrawn.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for allowance. Therefore, a Notice of Allowance for Claims 1-12 is earnestly solicited.

Respectfully submitted,

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